

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No.: 7:14-CV-00056-F

JASON AND CHRISTY SHUPE,)	
)	
Plaintiffs,)	
)	
v.)	<u>O R D E R</u>
)	
HEIDI BAUR, KIM BAILEY, and)	
KIM WINSTON, <i>Onslow County Dept.</i>)	
<i>of Social Services,</i>)	
)	
Defendants.)	

This matter is before the court on Plaintiffs' motion to compel discovery. [DE-19]. In the motion, Plaintiffs request Defendants produce various documents and information. *Id.* Defendants filed a response in opposition, indicating that the motion appears to be a request for discovery and that no discovery has been previously propounded, making a motion to compel premature. [DE-22].

The Federal Rules of Civil Procedure provide that a party has 30 days after being served with discovery to respond to interrogatories or requests for production of documents. Fed. R. Civ. P. 33 & 34. A motion to compel may be brought when a party fails to respond to discovery requests and upon certification that the parties have been unable to resolve the issue after a good faith attempt to do so. Fed. R. Civ. P. 37(a)(1). Here, it appears Plaintiffs are attempting to serve Defendants with discovery requests, and Defendants' time to respond has not yet expired. As such, Plaintiffs' motion to compel is premature and is denied without prejudice.

SO ORDERED, the 13th day of November 2014.



Robert B. Jones, Jr.
United States Magistrate Judge